IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8942 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the Order ?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the Order ?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

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DS CHUNAWALA

Versus

UNION OF INDIA

Appearance :

MR NK MAJMUDAR for Petitioners

MR JC SHETH for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/06/2000

ORAL JUDGEMENT

In this petition, the petitioners are challenging the notice, which has been given to the petitioners demanding thereunder the occupancy charges at enhanced rates with retrospective effect.

The learned counsel for the petitioner submits that earlier identical issue has been raised and there the petitioners got the petition withdrawn with a view to avail alternative remedy by way of approaching Railway Rates Tribunal. The learned counsel for the petitioner prays for the withdrawal of this Special Civil Application with a view to avail alternative remedy aforesaid. The prayer made by the petitioner has not been opposed by the learned counsel for the respondents and rightly so when the alternative remedy is available to the petitioners. Otherwise also, they have to first avail of the said remedy.

The prayer made by the learned counsel for the petitioner is granted and this petition is disposed of as withdrawn without observing anything on merits . As and when the petitioner approach the Tribunal, the Tribunal will decide the same in accordance with law. So far as the question of limitation is concerned the Tribunal will sympathetically consider the same.

The rule and Special Civil Application stand disposed of accordingly. No order as to costs.

(S.K.Keshote, J.)

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